

shall specify the reasons therefor and shall advise of the procedure for appealing such adverse determination to the General Counsel, as specified in § 405.4(d) of this part.

(d) Charges for copies of records will be at the rate of \$0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g. punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost, as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3 for each request or related series of requests. If a fee in excess of \$25 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

(e) If Eximbank refuses to comply with an individual's request for access, as above provided, that individual may, among other things, bring a civil action for relief against Eximbank in a district court of the United States.

(f) Any individual may also request (in accordance with the procedures above set forth) a copy of the "accounting" kept of each disclosure made by Eximbank to another person or agency (except for certain specified disclosures) of the record pertaining to that individual.

[41 FR 19299, May 12, 1976, as amended at 43 FR 57864, Dec. 11, 1978]

§ 405.4 Correction of records pertaining to individuals.

(a) Any individual (subject to the requirements of § 405.2(b) of this part) is entitled to request amendment of records pertaining to him or her pursuant to 5 U.S.C. 552a(d)(2). Such a request shall be made in writing and addressed to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Room 1031, Washington, DC 20571.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction should be submitted, if possible. Within 10 working days of the receipt of a properly addressed re-

quest (or within 10 working days of the time the Vice President—Administration becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Vice President—Administration shall acknowledge receipt of the request.

(c) The Vice President—Administration upon the receipt of such a request shall promptly confer with the officer responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the General Counsel of Eximbank. If, after review by the General Counsel and discussion with the requester, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Vice President—Administration to the requester denying his or her request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him or her of his or her right to appeal this decision, and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the President and Chairman or his designee. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be set forth in the letter, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at Eximbank may be requested. Such hearing will be informal, and shall be before the President and Chairman or his designee. Where no hearing is requested, the President and Chairman or his designee shall render his decision within thirty working days after receipt of the written appeal at Eximbank, unless the President and Chairman, for good cause shown, extends the 30-day period, and the appellant is advised in writing of such extension. If a hearing is requested, then Eximbank will attempt to contact the appellant within five working days and arrange a suitable time for the hearing.

In such cases the decision of the President and Chairman or his designee shall be made within 30 working days after the hearing, unless the time is extended, as above provided, and the appellant is advised in writing of such extension.

(e) The final decision of the President and Chairman or his designee in an appeal shall be in writing and the appellant shall be informed of the decision; if it is adverse to the appellant, the appellant shall be informed of the reasons for the refusal to amend the record and advised of his or her right to appeal the decision under 5 U.S.C. 552a(g)(1). The individual shall also be notified that he or she has the right to file with Eximbank a concise statement setting forth the reasons for his or her disagreement with the refusal of Eximbank to amend his or her record. Eximbank shall promptly inform any person or other agency about the correction of any record previously disclosed to that person or other agency (provided that an accounting of said disclosures was made). Eximbank shall, with respect to all prior disclosures and in any disclosure of a record made after the filing of a disagreement statement by the requesting individual, clearly note any portion of the record which is disputed and provide said recipient with copies of said statement, plus, at the agency's discretion, copies of a concise statement of the reasons for its decision not to make any corrections.

(f) Assistance in preparing a request to amend a record or in appealing an adverse determination on such a request may be obtained from the Office of the General Counsel of Eximbank.

[41 FR 19299, May 12, 1976, as amended at 43 FR 57864, Dec. 11, 1978]

§ 405.5 Disclosure of records pertaining to individuals to agencies or to individuals other than the individual to whom said records pertain.

Records subject to the Privacy Act that are requested by any individual other than the individual to whom they pertain (or as provided by § 405.2(b) of this part) will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with regulations found at 12 CFR part 404.

(b) Records not required by the Freedom of Information Act to be released, may be released, at the discretion of Eximbank, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a (b) (1) or (3) through (11).

(c) If an individual elects to inspect a record in person and desires to be accompanied by another person, the individual shall present to the Vice President—Administration a signed statement addressed to the Vice President—Administration by that individual authorizing his or her record to be disclosed to him or her in the presence of the accompanying named person.

PART 407—REGULATIONS GOVERNING PUBLIC OBSERVATION OF EXIMBANK MEETINGS

Sec.

407.1 Purpose, scope and definitions.

407.2 Closing meetings.

407.3 Procedures applicable to regularly scheduled meetings.

407.4 Procedures applicable to other meetings.

407.5 Certification by General Counsel.

407.6 Transcripts, recordings and minutes of closed meetings.

407.7 Relationship to Freedom of Information Act.

AUTHORITY: Sec. (g) Government in the Sunshine Act, 5 U.S.C. 552b(g); secs. (b) through (f), 5 U.S.C. 552b.

SOURCE: 42 FR 12417, Mar. 4, 1977, unless otherwise noted.

§ 407.1 Purpose, scope and definitions.

(a) Consistent with the principles that: (1) The public is entitled to the fullest practicable information regarding the decision-making processes of the Federal Government, and (2) the rights of individuals and the ability of the Export-Import Bank of the United States to carry out its statutory responsibilities should be protected, this part is promulgated pursuant to the directive of section (g) of the Government in the Sunshine Act, 5 U.S.C.